

REMARKS

Status of Claims

Claims 13 and 18 have been amended and claim 25 has been added for the Examiner's consideration. Accordingly, claims 13-25 are currently pending in the application, of which claims 13 and 18 are independent claims.

Applicant respectfully submits that the above amendments do not add new matter to the application and are fully supported by the specification. The table below shows where representative support for claim amendments may be located in the specification. Support may be found in additional locations in the specification.

Claims	Representative Support
13	Page 3, line 22 – Page 4, line 5 Page 5, lines 12 - 23
18	Page 5, lines 2-6 Page 11, line 23 – Page 12, line 3
25	Page 11, lines 11-14

In view of the above amendments and the following Remarks, Applicants respectfully request reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

Rejection under 35 U.S.C. § 112, first paragraph – Written Description

Claims 13-24 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. In particular, the Office Action has rejected certain portions of claims 13 and 18.

Claim 13

With respect to claim 13, the Office Action asserts that the specification does not provide support for the language “a heat-up of about 2°C/minute up to a temperature of about 600°C at a pressure ranging from about 25 psi to about 500 psi . . . for a time period ranging from about 2 hours to about 6 hours” Office Action, page 2. Applicants respectfully disagree and request reconsideration.

Claim 13, as amended, recites in part, “heating swellable particulate coal to a temperature between about 300°C and about 700°C under a non-oxidizing atmosphere at a pressure ranging from about 25 psi to about 500 psi and soaking at said temperature for from about 10 minutes to about 12 hours to produce a carbon foam.”

While the heat-up rate of about 2°C/minute no longer appears in claim 13, the specification clearly provides a heat up rate of from about 1 to about 20°C. Specification, page 4, lines 1-2. The heat-up rate of about 2°C/minute clearly falls within this stated range in the specification.

With respect to the language “up to a temperature of about 600°C,” claim 13 has been amended such that it now recites “heating . . . to a temperature between about 300°C and about 700°C.” This recited temperature range is found in the specification at page 4, lines 2-3.

With respect to the language “at a pressure ranging from about 25 psi to about 500 psi,” this range is clearly taught in the specification. For example, at page 5, lines 21-23, the specification recites “[t]he inert or non-oxidizing atmosphere may be provided by the introduction of inert or non-oxidizing gas into the ‘mold’ at a pressure from about 0 psi, i.e., free flowing gas, up to about 500 psi.” The claimed range of “under a non-oxidizing atmosphere at a pressure ranging from about 25 psi to about 500 psi” falls within the stated range in the specification for supplying a non-oxidizing atmosphere of about 0 psi up to about 500 psi. Accordingly, the claimed range of about 25 psi to about 500 psi is supported by the specification as filed. MPEP 2163.05 addresses this situation directly. This section of the MPEP discusses In re Wertheim where, in that case, the specification recited a range of 25%-60%. The narrower claimed range “between 35% and 60%” was found to have met the written description requirement. Turning to the present application, the specification teaches a range of about 0 psi up to about 500 psi. The claimed range of 25 psi to about 500 psi falls within the range recited in the specification. Accordingly, Applicants respectfully submit that the claims range of 25 psi to about 500 psi is supported by the originally filed application and meets the written description requirement of 35 U.S.C. §112, first paragraph.

Next, the Office Action identified the language “for a time period ranging from about 2 hours to about 6 hours.” At page 4, lines 4-5, the specification recites “soaking at a temperature of between about 300°C and 700°C for from about 10 minutes up to about 12 hours.” The range of about 2 hours to about 6 hours clearly falls within the range recited in the specification. However, Applicants have amended claim 13 to recite “soaking at said temperature for from about 10 minutes to about 12 hours.” As discussed above, this range is supported by the specification at page 4, lines 3-4.

Accordingly, Applicants respectfully submit that the language in claim 13 of “heating swellable particulate coal to a temperature between about 300°C and about 700°C under a non-oxidizing atmosphere at a pressure ranging from about 25 psi to about 500 psi and soaking at said temperature for from about 10 minutes to about 12 hours to produce a carbon foam” fully complies with 35 U.S.C. § 112, first paragraph. Applicants respectfully request withdrawal of the 35 U.S.C. § 112, first paragraph rejection for claim 13.

Claim 18

With respect to claim 18, the Office Action asserts that the specification does not provide support for the language “a surface area up to about 25 m²/g.” Claim 18 has been amended such that it recites “a surface area from about 10 m²/g to about 25 m²/g.” Applicants respectfully submit that this range is supported in the specification at page 5, lines 2-6 and page 12, lines 1-4 where the specification recites overall surface areas between about 10 m²/g to about 25 m²/g.

Accordingly, Applicants respectfully submit that the language in claim 18 of “a surface area from about 10 m²/g to about 25 m²/g.” fully complies with 35 U.S.C. § 112, first paragraph. Applicants respectfully request withdrawal of the 35 U.S.C. § 112, first paragraph rejection for claim 18.

Added Claims

Added claim 25 is directed to additional features to those in independent claim 13. In particular, claim 25 is directed to particular flow rates for the activating agent.

Extension of Time

Applicants believe that a three-month extension of time is required at this time. If further extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned for under 37 C.F.R. §1.136(a). Applicants believe that no further fees for net addition of claims are required at this time. Any fees required for extensions of time and any fees for the net addition of claims are hereby authorized to be charged to Deposit Account No. 503310.

Conclusion

Applicant believes that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated objections and grounds for rejection have been overcome or rendered moot. Should the Examiner feel that there are any issues outstanding after consideration of this Reply, the Examiner is invited to contact the Applicant's undersigned representative at the number below to expedite prosecution.

Respectfully submitted,



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